



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149

WASHINGTON, TUESDAY, OCTOBER 28, 2003

No. 153

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who is our refuge and strength, our shelter in the time of storms, we begin this day by looking to You for guidance and discernment. Thank You for daily victories over our worst selves and for fellowship with You.

Bless our Senators. Give them strength for their difficult tasks, victory over temptation, and fulfillment in their work.

Help each of us to stand guard against those thoughts and passions that lead us from You. May our consciousness of Your presence become more real with each hour of every day.

We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will resume consideration of the nomination of Michael Leavitt to be Administrator of the Environmental Protection Agency. There will be 1 hour of debate prior to the nomination. I am pleased this distinguished nominee for the President's

Cabinet will receive an up-or-down vote and anticipate his confirmation by an overwhelming majority this morning.

Following the disposition of the Leavitt nomination, the Senate will resume debate on the foreign operations appropriations bill. There are several amendments pending to the bill. We hope to begin scheduling votes on those amendments. Senator MCCONNELL will be here following the nomination vote. We anticipate completing action on the bill during today's session. Therefore, Senators should expect rollcall votes throughout the day and possibly votes into the evening, if necessary.

Each day I come to the floor I mention the schedule and the remaining business before the Senate. Again, I would like to reiterate that the days of this session are waning, but we have a full legislative agenda and executive matters to finish. We have the appropriations bills and the conference reports, Healthy Forests—and the tragic events in California underscore the need for this crucial legislation. Regarding the Fair Credit Reporting Act, we are in discussions, and I hope an agreement can be reached on its consideration. If not, it will be necessary to take the procedural steps to ensure that the Senate does act on this very important piece of bipartisan legislation.

We have the Internet tax moratorium. Discussions are underway on an agreement to allow us to act before the expiration of the existing law.

On the climate change legislation, we have a 6-hour agreement. I hope we can possibly use less time than those 6 hours. We are looking for an available time to consider it this week.

We have the judicial nominations as well.

Again, I hope to make efficient use of the Senate's time over the coming days, and I hope and look forward to working with the Democratic leadership so we can consider these bills

under time agreements and in a timely fashion.

Everybody is aware of the scheduling challenges we have during this time of year. But with the cooperation of all Members, we will be able to finish our work and adjourn at the earliest possible time. As always, I thank our colleagues and Senators for their cooperation and energy and patience to accomplish this as we go forward.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The assistant Democratic leader.

Mr. REID. Mr. President, while the distinguished majority leader is in the Chamber, the Senator from Kentucky and I had a conversation on the floor here last night—it was public in nature—indicating that it was the majority leader's intention for us to work on November 10 and 11 that is, Monday and Tuesday of the week after next.

I totally support that. If we are going to get out of here, we have to work that week. The leader set November 7 as a time when we should get out. I think that will be nearly impossible. We may. I hope, if we are going to try to adjourn on November 14, that Members will understand we are going to have to do more than Monday and Tuesday than have votes on judges. We are going to have to go into substantive matters and all during Monday have votes. If we are going to come at 5 o'clock and have a relatively unimportant vote, then I don't think we will accomplish much.

If we have, I repeat, any intention, any hope of getting out of here on November 14—which I hope we could do—we are going to have to work Monday and Tuesday. I fully support the majority leader.

As I said last night on the floor, the veterans of the State of Nevada would also understand why, on an important holiday, Veterans Day, we would be

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S13325

here doing the people's business. A lot of the business we are doing relates directly to the veterans.

So I hope, if we are going to work those 2 days, they are meaningful, hard days.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, through the Chair in response, it is our objective to adjourn as soon as we possibly can, completing the business before us. Thus, there is a very good possibility we will be able to finish our work that week.

A lot of people do want to be back at home, and rightfully so, for Veterans Day itself. That Monday before Veterans Day we will have to have a productive day here if our goal is to finish that week.

I do want to keep flexible. Right now, I ask the understanding of my colleagues because it very much depends on what happens over the next several days on the floor of the Senate. That is why we have to keep moving ahead with appropriations and see what happens with the supplemental in conference today, see the progress with the energy and medicare conferences. For right now, we need flexibility, but I think based on the comments the Democratic whip just made, as well as mine, if we have a chance of finishing that week, we can make that a very productive week.

I know we will have a full hour before the vote. I just want to comment very briefly on another issue for 3 or 4 minutes.

THE ECONOMY

Mr. FRIST. Mr. President, it is widely expected that the Federal Reserve will vote later today to keep the short-term interest rates at the historically low level of 1 percent. This is good news for our economy and very good news for American households. Low interest rates are allowing consumers to cut their monthly payments, their debt payments, and to invest their hard-earned money in the American dream, and that is the ownership of a home.

Indeed, sales of previously owned homes have hit their third highest level on record. Yesterday, the National Association of Realtors reported that previously owned home sales rose 3.6 percent to a record annual rate of 6.69 million units in the month of September.

The realtor association's chief economist says the strong home sales are a result of "the powerful fundamentals that are driving the housing market—household growth, low interest rates, and an improving economy."

Meanwhile, on Thursday, the Commerce Department will release the data on third-quarter economic growth. Most observers expect the agency will report significant gains. Indeed, if the forecasters are right and the economy does show a 6-percent gain, this would be the fastest upward swing since 1999.

Virtually every region of the country is benefiting from the recovery, as are a host of industries. You read it daily. Sara Lee saw its earnings rise 25 percent. Black and Decker's earnings are up 36 percent. Xerox profits climbed by 18 percent. Also revealing are "first timer" corporate profits. For example, Amazon.com reported a profit for the first time in a nonholiday period. Lucent Technologies is posting profits for the first time in 3 years. Corning and AMR, the parent company of American Airlines, both broke a string of 10 quarter losses.

All of this activity is helping to bolster the job market.

The labor market added 57,000 new jobs last month after seven straight months of job cuts.

Wages have gone up, on average, at nearly all income levels. Higher wages combined with lower debt payments and mortgage refinancing options are adding much needed juice to the economic engine.

So I am optimistic about the direction of the economy as it continues on this road to recovery. Even the New York Times credits the Bush tax cut with higher consumer spending.

In the Senate, we will continue to champion policies that work—policies that return tax dollars to the taxpayer yet encourage entrepreneurship and innovation, and that promote even higher levels of jobs and growth.

I ask unanimous consent that 60 minutes remain in order prior to the vote.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF MICHAEL O. LEAVITT TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

The PRESIDENT pro tempore. Under the previous order, the Senate will go into executive session to resume consideration of Executive Calendar No. 405, which the clerk will report.

The legislative clerk read the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency.

The PRESIDENT pro tempore. Under the previous order, there will now be 60 minutes equally divided between the ranking members, or their designees, and there will be 20 minutes under the control of the Senator from New Jersey.

Who yields time?

The Senator from New Jersey.

Mr. LAUTENBERG. Thank you, Mr. President. I will use most of the 20 minutes I have available, and perhaps all of it. But first, I thank the majority

leader and the minority leader for accommodating my desire to speak on the nomination of Utah Gov. Michael Leavitt to be Administrator of the Environmental Protection Agency prior to the vote to confirm him.

I was, unfortunately, not able to be here last night. So I appreciate that I have a chance to make some remarks this morning.

A few weeks ago, I placed a "hold" on Governor Leavitt's nomination because of serious concerns many of his constituents have raised about his record of enforcing our national environmental laws.

The President has the right to nominate people of his choosing to serve in his Cabinet. That, however, does not obligate anyone to vote for each and every one of them.

I want to make it perfectly clear that I am not impugning Governor Leavitt's character. He has been a public servant for many years and has been credited with many significant accomplishments.

I will vote against confirming Governor Leavitt because I have not had sufficient time to investigate the serious allegations that have been brought to my attention.

In fairness to Governor Leavitt, I asked the Congressional Research Service (CRS) to review and assess the allegations. In a few more days, CRS staff would have been able to get back to me. Unfortunately, the majority has seen fit to force a vote on this nominee today.

Governor Leavitt has waited 2 months. When former President Clinton nominated Katie McGinty to be chair of the Council on Environmental Quality, Republicans delayed her confirmation for more than a year.

Unfortunately, the majority did not honor the holds placed on this nominee, so the process of vetting him properly has been short-circuited. Consequently, we are being asked to vote to confirm an individual nominated to be the nation's highest-ranking environmental regulator—without the benefit of having some answers to some very important questions.

The current "tide" of environmental protection in America is at low ebb under the current administration. I don't have enough time here to enumerate the hundreds of rollbacks and dilutions of our environmental laws that President Bush and his administration have foisted on the American people. Given such a state of affairs, I think it would be wise to determine if the nominee shares the same careless disregard for clean water, clean air, land conservation, and global warming as the President.

I had planned to ask Governor Leavitt many questions based on information provided to me by the southern Utah Wilderness Alliance and other Utah conservation and citizens' groups. They have cast serious doubt on the Governor's commitment to enforcing our laws to protect human health and the environment.